

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STRYKER CORPORATION,
STRYKER PUERTO RICO, LTD., and
STRYKER SALES CORPORATION,

Plaintiffs and Counter-Defendants,

v.

Case No. 1:10-CV-1223

ZIMMER INC., and
ZIMMER SURGICAL, INC.,

HON. ROBERT J. JONKER

Defendants and Counter-Plaintiffs.

FINAL JUDGMENT AND PERMANENT INJUNCTION AFTER REMAND

Based on the prior rulings of the Court and the verdict of the jury, and after considering the proposed forms of judgment submitted by the parties, IT IS ORDERED, ADJUDGED, DECLARED and DECREED that the Plaintiffs Stryker Corporation, Stryker Puerto Rico, Ltd., and Stryker Sales Corporation have judgment against Defendants Zimmer Inc. and Zimmer Surgical, Inc., as follows:

1. That Defendants Zimmer, Inc. and Zimmer Surgical, Inc. have infringed, literally and under the doctrine of equivalents, claim 2 of Stryker U.S. Patent No. 6,022,329, claims 45, 50, 51, and 52 of Stryker U.S. Patent No. 6,179,807, and claims 1, 2, 3, 8, 10, 11, 13, 17, 19, 20, 22, 24, 27, 38, 40, and 46 of Stryker U.S. Patent No. 7,144,383;
2. That Defendants' infringement of the asserted claims of Stryker U.S. Patent Nos. 6,022,329, 6,179,807, and 7,144,383 was willful;
3. That this case is exceptional pursuant to 35 U.S.C. § 285;
4. That enhanced damages are appropriate pursuant to 35 U.S.C. § 284;

5. That the counterclaims and defenses raised by Zimmer are dismissed with prejudice, and that normal principles of issue and claim preclusion govern any unasserted counterclaims and defenses;
6. That Stryker is entitled to and awarded lost profits damages in the amount of \$70 million;
7. That Stryker is entitled to and awarded supplemental damages in the amount of \$2,351,257.66 for the period December 1, 2012 to February 28, 2013;
8. That Stryker is entitled to and awarded supplemental damages in the amount of \$3,757,635 for the period March 1, 2013 to June 30, 2013;
9. That Stryker is entitled to and awarded treble damages on its lost profits award as well as its supplemental damages awards;
10. That Stryker is entitled to and awarded attorneys' fees in the amount of \$8,000,000, plus pre-judgment interest calculated at a rate of 3.83 percent;
11. That Stryker is entitled to and awarded costs in the amount of \$112,451.28;
12. That Stryker is entitled to and awarded prejudgment interest of \$11,167,670.50 on the jury award and the supplemental damages incurred from December 1, 2012 to February 28, 2013, prejudgment interest of \$1,094,982.78 on the damages incurred from March 1, 2013 to June 30, 2013, and prejudgment interest calculated at a rate of 3.83%, compounded monthly, on Stryker's attorneys' fees award and on any damages for the period July 1, 2013 to the entry of final judgment;
13. That Stryker is entitled to and awarded postjudgment interest in an amount to be calculated in accordance with the statute.

IT IS FURTHER ORDERED, ADJUDGED, DECLARED and DECREED that Defendants Zimmer Inc. and Zimmer Surgical, Inc. are hereby permanently enjoined from the manufacture, use, importation, sale, or offer for sale within the United States of the pulsed lavage products found to infringe claims 45, 50, 51, and 52 of U.S. Patent No. 6,179,807, and products no more than colorably different therefrom.

Dated: July 12, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE